

E-FILED APRIL 10, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JIMMY D. HAWS, et al.,

NO. C 07-02599 JF

Plaintiffs,

**ORDER RE MOTION TO
COMPEL**

v.

COUNTY OF MONTEREY, et al.,

Defendants.

At the hearing on this motion to compel, the Court directed the parties to engage in further meet and confer negotiations to resolve or to narrow the scope of their disputes, and to file supplemental briefs setting out any disputes that remained at the end of that process. The parties are commended for having engaged in what appears to have been a productive meet and confer session carried out in the appropriate spirit of cooperation and professionalism. The parties report that most of their disputes have been resolved and do not require further action from the Court. Two issues, however, remain.

First, under Document Request No. 28, plaintiff seeks training and disciplinary records of jail staff on duty at the time of the incident. Defendant asserts a privilege arising under California law that limits the circumstances under which such personnel file materials may be disclosed. Defendant recognizes, however, that this federal court may order the production to go forward. In anticipation of such an order, the parties have agreed that the request will be narrowed to encompass

1 only a small group of individuals and only certain specific categories of information. With those
2 limitations in place, the motion is granted, and the records shall be produced within 20 days of the
3 date of this order.

4 The only remaining question is whether the County of Monterey must produce medical
5 records in the possession of its contractor, California Forensic Medical Group ("CFMG"). The
6 County does not object to production of the records at issue, but argues that plaintiff should obtain
7 them by subpoenaing CFMG. It appears that the County is already undertaking some efforts to
8 facilitate production of the records from CFMG to plaintiff. In light of the contractual provision
9 between CFMG and the County that medical records prepared by CFMG "shall be the property of
10 the County," the County is hereby ordered to follow through on those efforts and to ensure that the
11 materials are produced within 20 days of the date of this order.

12
13
14 IT IS SO ORDERED.

15 Dated: April 10, 2008


RICHARD SEEBORG
United States Magistrate Judge